

RESOLUTION  
R 105-10/11

SPECIAL USE PERMIT TO CO-LOCATE ON AN EXISTING FACILITY

*Clear Wireless, North Karen Street*

WHEREAS, Clear Wireless has submitted an application to co-locate on an existing facility located on North Karen Street in City of Selma, and;

WHEREAS, Clear Wireless has complied with the City's Telecommunication Ordinance No. COS 013-00/01 and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Clear Wireless customers in Selma will benefit from improved service, and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located on North Karen Street which consists of an existing 300 foot guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Selma, Alabama that Clear Wireless is hereby granted a Special Use Permit to modify existing facilities at North Karen Street. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. Clear Wireless must submit certified EIA/TIA Remediation Report as required by the City's Ordinance prior to the issuance of the Certificate of Completion.
2. The facility must be modified, activated and be providing enhanced service no later than ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. Clear Wireless may petition the City for an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
3. Once Clear Wireless has met all the conditions of the permit and any other requirements of the City, CMS will authorize the issuance of a Building Permit. Clear Wireless shall contact CMS Inspector prior to start of construction.
4. At the completion of construction and prior to the final inspection being conducted, Clear Wireless shall provide to CMS an unredacted, signed copy of the contractor's final (sign-off) report showing in detail all work performed.
5. At the end of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue the Certificate of Completion shall be made.
6. Clear Wireless shall not be permitted to actually provide enhanced service commercially until the Certificate of Completion or its functional equivalent is issued or risk forfeiting its Permit.
7. The Certificate of Completion shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA,  
on this the 5<sup>th</sup> day of October, 2010.

  
DR. CECIL WILLIAMSON, *President*

ATTEST:

  
IVY HARRISON, *City Clerk*

APPROVED:

  
GEORGE P. EVANS, *Mayor*